

LEGISLATIVE COUNSEL
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91ST CONGRESS
2^D SESSION

H. R. 17123

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 1, 1970

Ordered to be printed with the amendments of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **TITLE I—PROCUREMENT**

4 ~~SEC. 101. Funds are hereby authorized to be appro-~~
5 ~~priated during the fiscal year 1971 for the use of the Armed~~
6 ~~Forces of the United States for procurement of aircraft, mis-~~

II

1 sites, naval vessels, and tracked combat vehicles, and other
2 weapons, as authorized by law, in amounts as follows:

3 **AIRCRAFT**

4 For aircraft: for the Army, \$294,500,000; for the Navy
5 and the Marine Corps, \$2,452,200,000; for the Air Force,
6 \$3,314,000,000.

7 **MISSILES**

8 For missiles: for the Army, \$1,086,600,000; for the
9 Navy, \$946,600,000; for the Marine Corps, \$27,600,000;
10 for the Air Force, \$1,505,300,000.

11 **NAVAL VESSELS**

12 For naval vessels: for the Navy, \$3,013,900,000, of
13 which \$600,000,000 is authorized to be appropriated only
14 for expenditure in naval shipyards: *Provided*, That none of
15 the funds authorized for appropriations by this Act for the
16 construction of naval vessels shall be obligated until the Na-
17 tional Security Council has advised the President of its rec-
18 ommendation in respect to construction of the attack aircraft
19 carrier designated as CVAN-70: *Provided further*, That no
20 funds authorized to be appropriated by this Act for the use
21 of the Armed Forces of the United States shall be expended
22 for the contract procurement of DD 963 class destroyers
23 unless the procurement planned for such vessels makes pro-
24 vision that the vessels in that plan shall be constructed at the
25 facilities of at least two different United States shipbuilders.

1 TRACKED COMBAT VEHICLES

2 For tracked combat vehicles: for the Army, \$206,200,-
3 000; for the Marine Corps, \$48,700,000.

4 OTHER WEAPONS

5 For other weapons: for the Army, \$68,200,000: *Pro-*
6 *vided*, That none of the funds authorized for appropriation
7 by this Act shall be obligated for the procurement of M-16
8 rifles until the Secretary of the Army has certified to the
9 Congress that at least three active production sources for
10 supplying such weapons will continue to be available within
11 the United States during fiscal year 1971; for the Navy,
12 \$2,789,000; for the Marine Corps, \$4,400,000.

13 TITLE II—RESEARCH, DEVELOPMENT, TEST,
14 AND EVALUATION

15 SEC. 201 Funds are hereby authorized to be appropri-
16 ated during the fiscal year 1971 for the use of the Armed
17 Forces of the United States for research, development, test,
18 and evaluation, as authorized by law, in amounts as follows:

19 For the Army, \$1,647,900,000;

20 For the Navy (including the Marine Corps), \$2,197,-
21 300,000;

22 For the Air Force, \$2,909,700,000; and

23 For the Defense Agencies, \$460,700,000.

24 SEC. 202. There is hereby authorized to be appropriated
25 to the Department of Defense during fiscal year 1971 for

1 use as an emergency fund for research, development, test,
2 and evaluation or procurement or production related thereto,
3 \$50,000,000.

4 TITLE III—RESERVE FORCES

5 SEC. 301. For the fiscal year beginning July 1, 1970,
6 and ending June 30, 1971, the Selected Reserve of each
7 Reserve component of the Armed Forces will be programmed
8 to attain an average strength of not less than the following:

9 (1) The Army National Guard of the United States;
10 400,000.

11 (2) The Army Reserve, 260,000.

12 (3) The Naval Reserve, 120,000.

13 (4) The Marine Corps Reserve, 47,715.

14 (5) The Air National Guard of the United States;
15 87,878.

16 (6) The Air Force Reserve, 47,921.

17 (7) The Coast Guard Reserve, 16,500.

18 SEC. 302. The average strength prescribed by section
19 301 of this title for the Selected Reserve of any Reserve com-
20 ponent shall be proportionately reduced by (1) the total
21 authorized strength of units organized to serve as units of
22 the Selected Reserve of such component which are on
23 active duty (other than for training) at any time during the
24 fiscal year, and (2) the total number of individual members
25 not in units organized to serve as units of the Selected Re-

1 serve of such component who are on active duty (other than
2 for training or for unsatisfactory participation in training)
3 without their consent at any time during the fiscal year.
4 Whenever any such units or such individual members are
5 released from active duty during any fiscal year, the average
6 strength for such fiscal year for the Selected Reserve of such
7 Reserve component shall be proportionately increased by the
8 total authorized strength of such units and by the total
9 number of such individual members.

10 TITLE IV—GENERAL PROVISIONS

11 SEC. 401. Subsection (a) of section 401 of Public Law
12 89-367 approved March 15, 1966 (80 Stat. 37), as
13 amended, is hereby amended to read as follows:

14 "Funds authorized for appropriation for the use of the
15 Armed Forces of the United States under this or any other
16 Act are authorized to be made available for their stated
17 purposes to support: (1) Vietnamese and other Free World
18 Forces in Vietnam, (2) local forces in Laos and Thailand;
19 and for related costs, during the fiscal year 1971 on such
20 terms and conditions as the Secretary of Defense may
21 determine."

22 SEC. 402. No part of the funds appropriated pursuant
23 to this bill may be used at any institution of higher learning
24 if the Secretary of Defense or his designee determines that

1 at the time of the expenditure of funds to such institution
2 recruiting personnel of any of the Armed Forces of the
3 United States are being barred from the premises of the
4 institution except that this section shall not apply if the
5 Secretary of Defense or his designee determines that the
6 expenditure is a continuation or a renewal of a previous
7 grant to such institution which is likely to make a significant
8 contribution to the defense effort. The Secretaries of the
9 military departments shall furnish to the Secretary of
10 Defense or his designee within 60 days after the date of
11 enactment of this Act and each January 30th and June 30th
12 thereafter the names of any institutions of higher learning
13 which the Secretaries determine on such dates are barring
14 such recruiting personnel from the campus of the institution.

15 *TITLE I—PROCUREMENT*

16 *SEC. 101. Funds are hereby authorized to be appro-*
17 *riated during the fiscal year 1971 for the use of the Armed*
18 *Forces of the United States for procurement of aircraft, mis-*
19 *siles, naval vessels, and tracked combat vehicles, and other*
20 *weapons, as authorized by law, in amounts as follows:*

21 *AIRCRAFT*

22 *For aircraft: for the Army, \$292,100,000; for the*
23 *Navy and the Marine Corps, \$2,337,700,000; for the Air*
24 *Force, \$3,225,500,000.*

1 *MISSILES*

2 *For missiles: for the Army, \$1,031,600,000; for the*
3 *Navy, \$932,400,000; for the Marine Corps, \$12,800,000;*
4 *for the Air Force, \$1,479,400,000.*

5 *NAVAL VESSELS*

6 *For naval vessels: for the Navy, \$2,276,900,000.*

7 *TRACKED COMBAT VEHICLES*

8 *For tracked combat vehicles: for the Army, \$182,200,-*
9 *000; for the Marine Corps, \$47,400,000.*

10 *OTHER WEAPONS*

11 *For other weapons: for the Army, \$67,200,000; for the*
12 *Navy, \$2,789,000; for the Marine Corps, \$4,400,000.*

13 *TITLE II—RESEARCH, DEVELOPMENT, TEST,*
14 *AND EVALUATION*

15 *SEC. 201. Funds are hereby authorized to be appropri-*
16 *ated during the fiscal year 1971 for the use of the Armed*
17 *Forces of the United States for research, development, test,*
18 *and evaluation, as authorized by law, in amounts as follows:*

19 *For the Army, \$1,609,200,000;*

20 *For the Navy (including the Marine Corps), \$2,194,-*
21 *300,000;*

22 *For the Air Force, \$2,718,000,000; and*

23 *For the Defense Agencies, \$445,000,000.*

24 *SEC. 202. There is hereby authorized to be appropriated*
25 *to the Department of Defense during fiscal year 1971 for*

1 use as an emergency fund for research, development, test,
2 and evaluation or procurement or production related thereto,
3 \$50,000,000.

4 SEC. 203. (a) Funds authorized for appropriation to
5 the Department of Defense under the provisions of this Act
6 or any other Act shall not be available for payment of inde-
7 pendent research and development, bid and proposal, or
8 other technical effort costs unless the work for which payment
9 is made is relevant to the functions or operations of the De-
10 partment of Defense and unless the following conditions are
11 met—

12 (1) the Secretary of Defense, prior to or during each
13 fiscal year, negotiates advance agreements establishing a
14 dollar ceiling on such costs with all companies which dur-
15 ing their last preceding fiscal year received more than
16 \$2,000,000 of independent research and development, bid
17 and proposal, or other technical effort payments from the
18 Department of Defense, the advance agreements thus
19 negotiated (A) to cover the first fiscal year of each such
20 company beginning on or after the beginning of each
21 fiscal year of the Federal Government and (B) to be
22 concluded either directly with each such company or
23 with those product divisions of each such company which
24 contract directly with the Department of Defense and
25 themselves received more than \$250,000 of such pay-

1 (2) the independent research and development por-
2 tions of the advance agreements thus negotiated are based
3 on company submitted plans on each of which a tech-
4 nical evaluation is performed by the Department of De-
5 fense prior to or during the fiscal year covered by such
6 advance agreement;

7 (3) no payments for independent research and de-
8 velopment, bid and proposal, and other technical effort
9 costs are made by the Department of Defense to any
10 company or product division with which an advance
11 agreement is required by subsection (a)(1) of this sec-
12 tion, except pursuant to the terms of that agreement; and

13 (4) the total dollar value of the advance agreements
14 negotiated prior to or during a given fiscal year as re-
15 quired under subsection (a)(1) of this section does not
16 exceed a ceiling to be established annually by the
17 Congress.

18 (b) In the event negotiations are held with any company
19 or product division with which they are required under sub-
20 section (a)(1) of this section, but no agreement is reached
21 with any such company or product division—

22 (1) no payments for independent research and de-
23 velopment, bid and proposal, and other technical effort
24 costs shall be made to any such company or product divi-
25 sion during the fiscal year for which an agreement was

1 *not reached, except in an amount substantially less than*
2 *the amount which, in the opinion of the Department of*
3 *Defense, such company or product division would other-*
4 *wise have been entitled to receive; and*

5 *(2) the amount of money received by that company*
6 *for independent research and development, bid and pro-*
7 *posal, and other technical effort costs during its last pre-*
8 *ceding fiscal year shall be included in determining com-*
9 *pliance by the Department of Defense with the ceiling*
10 *established by Congress, pursuant to subsection (a)(4)*
11 *of this section, for the fiscal year in question.*

12 *(c) The Secretary of Defense shall submit an annual*
13 *report to the Congress on or before January 31, 1972, and*
14 *on or before January 31 of each succeeding year, setting*
15 *forth—*

16 *(1) those companies with which negotiations were*
17 *held pursuant to subsection (a)(1) of this section prior*
18 *to or during the preceding fiscal year, together with the*
19 *result of those negotiations;*

20 *(2) the manner of his compliance with the ceiling*
21 *established by Congress for the preceding fiscal year pur-*
22 *suant to subsection (a)(4) of this section; and*

23 *(3) the latest available Defense Contract Audit*
24 *Agency statistics on the independent research and develop-*
25 *ment, bid and proposal, and other technical effort pay-*

1 *ments made to major defense contractors whether or not*
2 *covered by subsection (a) (1) of this section.*

3 *(d) The provisions of this section shall apply only to*
4 *contracts for which the submission and certification of cost or*
5 *pricing data are required in accordance with section 2306(f)*
6 *of title 10, United States Code.*

7 *(e) The ceiling to be established pursuant to subsection*
8 *(a) (4) of this section for fiscal year ending June 30, 1971,*
9 *shall be \$625,000,000.*

10 *(f) Section 403 of Public Law 91-121 (80 Stat. 204)*
11 *is hereby repealed.*

12 *SEC. 204. None of the funds authorized to be appro-*
13 *priated by this Act may be used to carry out any research*
14 *project or study unless such project or study has a direct and*
15 *apparent relationship to a specific military function or*
16 *operation.*

17 *SEC. 205. (a) There is hereby established an inter-*
18 *agency advisory council to be known as the Interagency Ad-*
19 *visory Council on Domestic Applications of Defense Research*
20 *(hereinafter in this section referred to as the "Council").*

21 *(b) The Council shall be composed of the following*
22 *members:*

23 *(1) One member from the Department of Defense,*
24 *to be designated by the Secretary of Defense.*

25 *(2) One member from the Department of Health,*

1 *Education, and Welfare, to be designated by the Secre-*
2 *tary of Health, Education, and Welfare.*

3 *(3) One member from the Department of Housing*
4 *and Urban Development, to be designated by the Secre-*
5 *tary of Housing and Urban Development.*

6 *(4) One member from the Department of Trans-*
7 *portation, to be designated by the Secretary of Trans-*
8 *portation.*

9 *(5) One member from the Office of Economic Op-*
10 *portunity, to be designated by the Director of the Office*
11 *of Economic Opportunity.*

12 *(6) One member from the Department of Labor,*
13 *to be designated by the Secretary of Labor.*

14 *(7) One member from the Department of the In-*
15 *terior, to be designated by the Secretary of the Interior.*

16 *(8) One member from the National Aeronautics*
17 *and Space Administration, to be designated by the Ad-*
18 *ministrator of the National Aeronautics and Space Ad-*
19 *ministration.*

20 *(c) The member of the Council designated by the Secre-*
21 *tary of Housing and Urban Development shall serve as*
22 *Chairman of the Council.*

23 *(d) Three members of the Council shall constitute a*
24 *quorum; and a vacancy in the Council membership shall not*
25 *affect its powers but shall be filled in the manner in which the*

26 *original appointment was made.*
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1 (e) It shall be the function of the Council to study and
2 evaluate proposed research programs and projects submitted
3 to it pursuant to this section. The Council shall accept for
4 consideration research projects that are of mutual interest to
5 the Department of Defense and one or more of the participat-
6 ing departments or agencies, and, subject to section 204, such
7 other categories of research bearing on important national
8 needs as the Council may specify, including but not limited to
9 such fields as housing, education, transportation, and
10 pollution.

11 (f) The Council shall advise the Director of Defense
12 Research and Engineering of the Department of Defense re-
13 garding research proposals submitted to it for consideration
14 pursuant to subsection (e) and shall make such recom-
15 mendations to the Director as it deems appropriate as to the
16 merits of proposals submitted to it for consideration.

17 (g) The Council shall review the results of research con-
18 ducted under its auspices and shall advise the Director of
19 Defense Research and Engineering of the Department of De-
20 fense as to the desirability of continuing, modifying, or ter-
21 minating such research activities.

22 (h) The Secretary of Defense is authorized to make
23 grants to colleges, universities, and other not-for-profit in-
24 stitutions engaged in research and/or development activities
25 sponsored by the Department of Defense for the purpose of

1 *supporting selected research programs and projects promising*
2 *significant domestic benefits. Proposals for such research shall*
3 *be submitted to and reviewed by the Council. The decision of*
4 *the Secretary of Defense with respect to which, if any, re-*
5 *search proposals approved by the Council will be sponsored*
6 *shall be final.*

7 *(i) The total amount in grants made under this section*
8 *in any fiscal year shall not exceed an amount equal to 5 per*
9 *centum of the total funds expended in such fiscal year by*
10 *the Department of Defense under contracts entered into with*
11 *colleges, universities, and other not-for-profit institutions for*
12 *the performance of defense research.*

13 *(j) In no case shall any one institution receive more than*
14 *\$5,000,000 under this section in any one fiscal year.*

15 *(k) Research grants made by the Secretary of Defense*
16 *under this section shall be made subject to such rules and regu-*
17 *lations as the Secretary of Defense may prescribe after con-*
18 *sultation with the Council.*

19 *SEC. 206. The Secretary of Defense is authorized to*
20 *initiate a program of research to develop at the earliest possi-*
21 *ble date, a single reentry vehicle system for the Minuteman*
22 *III missile and a single reentry vehicle system for the Poseidon*
23 *missile. For purposes of this section "a single reentry vehicle*
24 *system" is a system capable of only deploying a single reentry*
25 *vehicle and its associated penetration aids. The funds to be*

1 *expended in carrying out the provisions of this section shall be*
2 *funds transferred from other projects by the Secretary pur-*
3 *suant to his authority under existing law to transfer funds*
4 *from one project to another.*

5 *SEC. 207. It is the sense of the Congress that—*

6 *(1) an increase in Government support of basic*
7 *scientific research is necessary to preserve and strengthen*
8 *the sound technological base essential both to protection*
9 *of the national security and the solution of unmet do-*
10 *mestic needs;*

11 *(2) a larger share of such support should be pro-*
12 *vided hereafter through the National Science Founda-*
13 *tion;*

14 *(3) to the extent that funds are not otherwise avail-*
15 *able to provide for such increased support during the*
16 *fiscal year beginning July 1, 1971, they should be pro-*
17 *vided from funds which have been or are programmed*
18 *for other Federal programs for such fiscal year; and*

19 *(4) in implementation of and in a manner consist-*
20 *ent with these precepts the Director of the Office of Man-*
21 *agement and Budget should, in the preparation of the*
22 *Federal budget for the fiscal year beginning July 1,*
23 *1971, provide for not less than a 20 per centum increase*
24 *in the amount of funds to be made available to the*

1 *National Science Foundation over the amount made*
2 *available to such Foundation for the fiscal year ending*
3 *June 30, 1971.*

4 *SEC. 208. The head of any department or agency of the*
5 *Federal Government shall, in response to any request made*
6 *to him in writing by the Senate Committee on Armed Serv-*
7 *ices, the Senate Committee on Foreign Relations, the House*
8 *Committee on Armed Services, or the House Committee on*
9 *Foreign Affairs, promptly submit to such committee a copy*
10 *of any report, study, or investigation requested by such com-*
11 *mittee if the report, study, or investigation was financed in*
12 *whole or in part with Federal funds and was made by a per-*
13 *son outside the Federal Government, except that this require-*
14 *ment shall not apply in the case of any report, study, or*
15 *investigation with respect to which the President exercises the*
16 *right of executive privilege.*

17 *TITLE III—RESERVE FORCES*

18 *SEC. 301. For the fiscal year beginning July 1, 1970,*
19 *and ending June 30, 1971, the Selected Reserve of each*
20 *Reserve component of the Armed Forces will be programed*
21 *to attain an average strength of not less than the following:*

22 *(1) The Army National Guard of the United States,*
23 *400,000.*

24 *(2) The Army Reserve, 260,000.*

1 (3) *The Naval Reserve, 129,000.*

2 (4) *The Marine Corps Reserve, 47,715.*

3 (5) *The Air National Guard of the United States.*
4 *87,878.*

5 (6) *The Air Force Reserve, 47,921.*

6 (7) *The Coast Guard Reserve, 15,000.*

7 *SEC. 302. The average strength prescribed by section*
8 *301 of this title for the Selected Reserve of any Reserve com-*
9 *ponent shall be proportionately reduced by (1) the total*
10 *authorized strength of units organized to serve as units of*
11 *the Selected Reserve of such component which are on*
12 *active duty (other than for training) at any time during the*
13 *fiscal year, and (2) the total number of individual members*
14 *not in units organized to serve as units of the Selected Re-*
15 *serve of such component who are on active duty (other than*
16 *for training or for unsatisfactory participation in training)*
17 *without their consent at any time during the fiscal year.*
18 *Whenever any such units or such individual members are*
19 *released from active duty during any fiscal year, the average*
20 *strength for such fiscal year for the Selected Reserve of such*
21 *Reserve component shall be proportionately increased by the*
22 *total authorized strength of such units and by the total*
23 *number of such individual members.*

II.R. 17123—3

1 *TITLE IV—ANTI-BALLISTIC MISSILE CON-*
2 *STRUCTION AUTHORIZATION; LIMITA-*
3 *TIONS ON DEPLOYMENT*

4 *SEC. 401. (a) Military construction for the Safeguard*
5 *anti-ballistic missile system is authorized for the Department*
6 *of the Army as follows:*

7 *(1) Technical and supporting facilities and acqui-*
8 *sition of real estate inside the United States \$322,000,-*
9 *000.*

10 *(2) Research, development, test, and evaluation*
11 *facilities at the Kwajalein Missile Range \$3,200,000;*

12 *(3) Military Family Housing, four hundred units,*
13 *\$8,800,000:*

14 *Malmstrom Safeguard site, Montana, two hun-*
15 *dred units,*

16 *Grand Forks Safeguard site, North Dakota,*
17 *two hundred units.*

18 *(b) There are authorized to be appropriated for the*
19 *purposes of this section not to exceed \$334,000,000.*

20 *(c) Authorization contained in this section (except sub-*
21 *section (b)) shall be subject to the authorizations and limita-*
22 *tions of the Military Construction Authorization Act, 1971,*
23 *in the same manner as if such authorizations had been in-*
24 *cluded in that Act.*

25 *(d) Within the amounts of the authorizations for mili-*

1 tary construction for Safeguard, the Secretary of the Army
2 or his designee is authorized to provide for, under such
3 terms and conditions as he may determine, two hundred and
4 twenty-five units of temporary family housing for occupancy
5 on a rental basis by military and civilian personnel of the
6 Department of Defense and their dependents at each Safe-
7 guard site in connection with any military construction and
8 installation and checkout of system equipment which is or
9 may hereafter be authorized at a Safeguard site, if the Secre-
10 tary of the Army or his designee determines that such tempo-
11 rary housing is necessary in order to perform the construc-
12 tion and installation and checkout of system equipment, and
13 that temporary housing is not otherwise available under
14 reasonable terms and conditions.

15 SEC. 402. None of the funds authorized by this or
16 any other Act may be obligated or expended for the purpose
17 of initiating deployment of an anti-ballistic missile system
18 at any site other than Whiteman Air Force Base, Knob-
19 noster, Missouri; except that funds may be obligated or ex-
20 pended for the purpose of initiating advanced preparation
21 (site selection, land acquisition, site survey, and the procure-
22 ment of long lead-time items) for an anti-ballistic missile sys-
23 tem site at Francis E. Warren Air Force Base, Cheyenne,
24 Wyoming. Nothing in the foregoing sentence shall be con-
25 strued as a limitation on the obligation or expenditure of funds

1 *in connection with the deployment of an anti-ballistic missile*
2 *system at Grand Forks Air Force Base, Grand Forks, North*
3 *Dakota, or Malmstrom Air Force Base, Great Falls,*
4 *Montana.*

5 TITLE V—GENERAL PROVISIONS

6 SEC. 501. *The Congress views with grave concern the*
7 *deepening involvement of the Soviet Union in the Middle East*
8 *and the clear and present danger to world peace resulting*
9 *from such involvement which cannot be ignored by the United*
10 *States. In order to restore and maintain the military balance*
11 *in the Middle East, by furnishing to Israel the means of pro-*
12 *viding for its own security, the President is authorized to*
13 *transfer to Israel, by sale, credit sale, or guaranty, such air-*
14 *craft, and equipment appropriate to use, maintain, and pro-*
15 *tect such aircraft, as may be necessary to counteract any*
16 *past, present, or future increased military assistance provided*
17 *to other countries of the Middle East. Any such sale, credit*
18 *sale, or guaranty shall be made on terms and conditions not*
19 *less favorable than those extended to other countries which re-*
20 *ceive the same or similar types of aircraft and equipment.*

21 *SEC. 502. Subsection (a) of section 401 of Public Law*
22 *89-367, approved March 15, 1966 (80 Stat. 37), as*
23 *amended, is hereby amended to read as follows:*

24 *“(a)(1) Not to exceed \$2,500,000,000 of the funds*
25 *authorized for appropriation for the use of the Armed Forces*

1 of the United States under this or any other Act are author-
2 ized to be made available for their stated purposes to support:
3 (A) Vietnamese and other free world forces in support of
4 Vietnamese forces, (B) local forces in Laos and Thailand;
5 and for related costs, during the fiscal year 1971 on such
6 terms and conditions as the Secretary of Defense may
7 determine. None of the funds appropriated to or for the use
8 of the Armed Forces of the United States may be used for the
9 purpose of paying any overseas allowance, per diem allow-
10 ance, or any other addition to the regular base pay of any
11 person serving with the free world forces in South Vietnam
12 if the amount of such payment would be greater than the
13 amount of special pay authorized to be paid, for an equiva-
14 lent period of service, to members of the Armed Forces of the
15 United States (under section 310 of title 37, United States
16 Code) serving in Vietnam or in any other hostile fire area.
17 Nothing in clause (A) of the first sentence of this para-
18 graph shall be construed as authorizing the use of any such
19 funds to support Vietnamese or other free world forces in
20 actions designed ^{SOLELY} to provide military support and assistance to
21 the Government of Cambodia or Laos.
22 “(2) No defense article may be furnished to the South
23 Vietnamese forces, other free world forces in Vietnam, or to
24 local forces in Laos or Thailand with funds authorized for
25 the use of the Armed Forces of the United States under this

1 *or any other Act unless the government of the forces to which*
2 *the defense article is to be furnished shall have agreed that—*

3 *“(A) it will not, without the consent of the*
4 *President—*

5 *“(i) permit any use of such article by anyone*
6 *not an officer, employee, or agent of that government,*

7 *“(ii) transfer, or permit any officer, employee,*
8 *or agent of that government to transfer such article*
9 *by gift, sale, or otherwise, or*

10 *“(iii) use or permit the use of such article for*
11 *purposes other than those for which furnished;*

12 *“(B) it will maintain the security of such article,*
13 *and will provide substantially the same degree of security*
14 *protection afforded to such article by the United States*
15 *Government;*

16 *“(C) it will, as the President may require, permit*
17 *continuous observation and review by, and furnish neces-*
18 *sary information to, representatives of the United States*
19 *Government with regard to the use of such article; and*

20 *“(D) unless the President consents to other disposi-*
21 *tion, it will return to the United States Government for*
22 *such use or disposition as the President considers in the*
23 *best interests of the United States, any such article which*
24 *is no longer needed for the purposes for which it was*
25 *furnished.*

1 *The President shall promptly submit a report to the Speaker*
2 *of the House of Representatives and the President of the Sen-*
3 *ate on the implementation of each agreement entered into in*
4 *compliance with this paragraph. The President may not give*
5 *his consent under clause (A) or (D) of this paragraph with*
6 *respect to any defense article until the expiration of fifteen*
7 *days after written notice has been given to the Speaker of the*
8 *House of Representatives and the President of the Senate*
9 *regarding the proposed action of the President with respect to*
10 *such article. As used in this paragraph the term 'defense*
11 *article' shall have the same meaning prescribed for such term*
12 *in section 644(d) of the Foreign Assistance Act of 1961. In*
13 *order to allow a reasonable period of time for the Department*
14 *of Defense to comply with the requirements of this paragraph,*
15 *the provisions of such paragraph shall become effective sixty*
16 *days after the date of enactment of this section."*

17 *SEC. 503. Of the total amount authorized to be appro-*
18 *priated by this Act for the procurement of the F-111 aircraft,*
19 *\$283,000,000 of such amount may not be obligated or ex-*
20 *pended for the procurement of such aircraft until and unless*
21 *the Secretary of Defense has (1) determined that the F-111*
22 *aircraft has been subjected to and successfully completed a*
23 *comprehensive structural integrity test program, (2) ap-*
24 *proved a program for the procurement of such aircraft, and*
25 *(3) certified in a written report to the Committees on Armed*

1 *Services of the Senate and the House of Representatives that*
2 *he has made such a determination and approved such a pro-*
3 *gram, and has included in such written report the basis for*
4 *making such determination and approving such program.*

5 *SEC. 504. (a) Of the total amount authorized to be*
6 *appropriated by this Act for the procurement of the C-5A*
7 *aircraft, \$200,000,000 of such amount may not be obligated*
8 *or expended until and unless the Secretary of Defense has*
9 *submitted to the Committees on Armed Services of the Senate*
10 *and the House of Representatives a plan for the expenditure*
11 *of such \$200,000,000 and such committees have approved*
12 *such plan. In no event may all or any part of such \$200,-*
13 *000,000 be obligated or expended except in accordance with*
14 *a plan approved by such committees.*

15 *(b) The \$200,000,000 referred to in subsection (a) of*
16 *this section, following the approval of a plan pursuant to*
17 *such subsection, may be expended only for the reasonable and*
18 *allocable direct and indirect costs incurred by the prime con-*
19 *tractor under a contract entered into with the United States*
20 *to carry out the C-5A aircraft program. No part of such*
21 *amount may be used for—*

22 *(1) direct costs of any other contract or activity of*
23 *the prime contractor;*

24 *(2) profit on any materials, supplies, or services*
25 *which are sold or transferred between any division, sub-*

1 *sidiary, or affiliate of the prime contractor under the*
2 *common control of the prime contractor and such division,*
3 *subsidiary, or affiliate;*

4 *(3) bid and proposal costs, independent research*
5 *and development costs, and the cost of other similar un-*
6 *sponsored technical effort; or*

7 *(4) depreciation and amortization costs on prop-*
8 *erty, plant, or equipment.*

9 *Any of the costs referred to in the preceding sentence which*
10 *would otherwise be allocable to any work funded by such*
11 *\$200,000,000 may not be allocated to other portions of the*
12 *C-5A aircraft contract or to any other contract with the*
13 *United States, but payments to C-5A aircraft subcontractors*
14 *shall not be subject to the restriction referred to in such sen-*
15 *tence.*

16 *(c) Any payment from such \$200,000,000 shall be*
17 *made to the prime contractor through a special bank account*
18 *from which such contractor may withdraw funds only after a*
19 *request containing a detailed justification of the amount re-*
20 *quested has been submitted to and approved by the contracting*
21 *officer for the United States. All payments made from such*
22 *special bank account shall be audited by the Defense Con-*
23 *tract Audit Agency of the Department of Defense and, on a*
24 *quarterly basis, by the General Accounting Office. The Comp-*
25 *troller General shall submit to the Congress not more than*

1 *thirty days after the close of each quarter a report on the*
2 *audit for such quarter performed by the General Accounting*
3 *Office pursuant to this subsection.*

4 *(d) The restrictions and controls provided for in this*
5 *section with respect to the \$200,000,000 referred to in sub-*
6 *sections (a) and (b) of this section shall be in addition to*
7 *such other restrictions and controls as may be prescribed*
8 *by the Secretary of Defense or the Secretary of the Air Force.*

9 *SEC. 505. Section 412(b) of Public Law 86-149, as*
10 *amended, is amended by inserting immediately before the*
11 *word "unless" the following: ", or after December 31, 1970,*
12 *to or for the use of the Navy for the procurement of tor-*
13 *pedoes and related support equipment".*

14 *SEC. 506. (a) None of the funds authorized to be appro-*
15 *priated by this Act shall be used for the procurement of*
16 *delivery systems specifically designed to disseminate lethal*
17 *chemical or any biological warfare agents, or for the pro-*
18 *curement of delivery system parts or components specifically*
19 *designed for such purpose, unless the President shall certify*
20 *to the Congress that such procurement is essential to the*
21 *safety and security of the United States.*

22 *(b)(1) Section 409(b) of Public Law 91-121, ap-*
23 *proved November 19, 1969 (83 Stat. 209), is amended—*

24 *(A) by striking out "or the open air testing of any*
25 *such agent within the United States" in the material*

1 immediately preceding paragraph (1) and inserting in
2 lieu thereof the following: "the open air testing of any
3 such agent within the United States, or the disposal of
4 any such agent within the United States";

5 (B) by striking out "transportation or testing" each
6 time it appears in paragraphs (2), (3), and (4) and
7 inserting in lieu thereof "transportation, testing, or dis-
8 posal"; and

9 (C) by inserting "or disposal" immediately after
10 "such testing" in paragraph (4) (A).

11 (2) Section 409(c)(1) of such public law is amended—

12 (A) by striking out "deployment, or storage, or
13 both," and inserting in lieu thereof "deployment, storage,
14 or disposal"; and

15 (B) by striking out "deployment or storage" im-
16 mediately after "unless prior notice of" and inserting in
17 lieu thereof "deployment, storage, or disposal".

18 (3) The first sentence of section 409(c)(2) of such
19 public law is amended by inserting " , or for the disposal
20 of any munitions in international waters," immediately
21 after "outside the United States".

22 (c)(1) The Secretary of Defense shall undertake to
23 enter into appropriate arrangements with the National Acad-
24 emy of Sciences to conduct a comprehensive study and in-
25 vestigation to determine (A) the ecological and physiological

1 *dangers inherent in the use of herbicides, and (B) the eco-*
2 *logical and physiological effects of the defoliation program*
3 *carried out by the Department of Defense in South Vietnam.*

4 *(2) Of the funds authorized by this Act for research,*
5 *development, testing, and evaluation of chemical warfare*
6 *agents and for defense against biological warfare agents,*
7 *such amounts as are required shall be available to carry out*
8 *the study and investigation authorized by paragraph (1) of*
9 *this subsection.*

10 *(3) In entering into any arrangement with the National*
11 *Academy of Sciences for conducting the study and investi-*
12 *gation authorized by paragraph (1) of this subsection, the*
13 *Secretary of Defense shall request that the National Academy*
14 *of Sciences submit a final report containing the results of its*
15 *study and investigation to the Secretary not later than Jan-*
16 *uary 31, 1972. The Secretary shall transmit copies of such*
17 *report to the President and the Congress, together with such*
18 *comments and recommendations as he deems appropriate, not*
19 *later than March 1, 1972.*

20 *(d) On and after the date of enactment of this Act, no*
21 *chemical or biological warfare agent shall be disposed of*
22 *within or outside the United States unless such agent has*
23 *been detoxified or made harmless to man and his environ-*
24 *ment unless immediate disposal is clearly necessary, in an*

1 *emergency, to safeguard human life. An immediate report*
2 *should be made to Congress in the event of such disposal.*

3 *SEC. 507. (a) No information concerning the identity or*
4 *location of the person, company, or corporation to whom any*
5 *contract has been awarded by the Department of Defense*
6 *shall be given to any individual, including any Member of*
7 *Congress, in advance of a public announcement by the Sec-*
8 *retary of Defense of the identity of the person, company, or*
9 *corporation to whom such contract has been awarded.*

10 *(b) On and after the date of enactment of this Act,*
11 *whenever the identity of the person, company, or corpora-*
12 *tion to whom any defense contract has been awarded is to*
13 *be made public, the Secretary of Defense shall publicly an-*
14 *nounce that such contract has been awarded and to whom it*
15 *was awarded.*

16 *SEC. 508. It is the sense of the Congress that—*

17 *(1) any department or agency of the United States*
18 *Government making appointments in the competitive*
19 *service should, in filling vacant positions within such*
20 *department or agency, give priority consideration to em-*
21 *ployees holding career appointments in the competitive*
22 *service who are being displaced from their present posi-*
23 *tions in the Department of Defense or other department*
24 *or agency as the result of reductions in force;*

1 (2) the heads of each such department and agency
2 should implement, to the fullest extent practicable, the
3 memorandum of the President, dated April 24, 1970,
4 requiring that "each department and agency must ac-
5 cept responsibility for assuring that qualified displaced
6 employees are given full and sympathetic consideration
7 when vacancies are filled"; and

8 (3) the heads of each such department and agency
9 should cooperate fully with the United States Civil
10 Service Commission in carrying out the Commission's
11 displaced employee program, which is designed to insure
12 priority treatment of displaced Government employees.

13 SEC. 509. In order to reduce annual expenditures in
14 connection with permanent change of station assignments of
15 military personnel and in order to help further stabilize the
16 lives of members of the Armed Forces and their dependents,
17 the Secretary of Defense is directed to initiate promptly new
18 procedures with respect to domestic and foreign permanent
19 change of station assignments for military personnel under
20 which the length of permanent change of station assignments
21 will, whenever practicable and consistent with national secu-
22 rity, be made for longer periods of time. The Secretary shall
23 achieve not less than a 25 per centum reduction in such
24 expenditures in the fiscal year beginning July 1, 1971, and
25 in each fiscal year thereafter, as compared with expendi-

1 tures for such purposes in the fiscal year beginning July 1,
2 1970, taking into account the relative number of men in
3 military service during such fiscal year and other relevant
4 factors. The provisions of this section shall not apply with
5 respect to the assignment of military personnel in combat
6 zones or hardship areas or with respect to so-called fixed ex-
7 penditures resulting from training, separation, promotion,
8 and similar activities within the Department of Defense.

9 SEC. 510. Section 412 of the Military Construction Act
10 of 1959, as amended, is amended by adding at the end
11 thereof a new subsection as follows:

12 “(d)(1) Beginning with the fiscal year which begins
13 July 1, 1971, and for each fiscal year thereafter, the Con-
14 gress shall authorize the average annual active duty personnel
15 strength for each component of the Armed Forces; and no
16 funds may be appropriated for any fiscal year beginning on
17 or after such date to or for the use of the active duty personnel
18 of any component of the Armed Forces unless the active duty
19 personnel strength of such component for such fiscal year has
20 been authorized by law.

21 “(2) Beginning with the fiscal year ending June 30,
22 1971, the President shall submit to the Congress a written
23 report not later than January 31 of each fiscal year recom-
24 mending the average annual active duty strength level for
25 each component of the Armed Forces for the next fiscal year

1 *and shall include in such report justification for the strength*
2 *levels recommended and an explanation of the relationship*
3 *between the personnel strength levels recommended for such*
4 *fiscal year and the national security policies of the United*
5 *States in effect at the time."*

6 *SEC. 511. (a) The Secretary shall also encourage*
7 *recipients of defense contracts to use military installations*
8 *being closed and to offer employment to former employees*
9 *of military installations who are unemployed as a result of*
10 *the closing of such installations.*

11 *(b) The Secretary of Defense, in the case of any mili-*
12 *tary installation which he has announced will be closed,*
13 *shall cooperate to the maximum extent practicable, consis-*
14 *tent with security requirements, in making the facilities of*
15 *such installation available for inspection by persons inter-*
16 *ested in utilizing such facilities after the installation has*
17 *been closed. The Secretary shall make such facilities avail-*
18 *able for inspection by such persons as far in advance of*
19 *the final closing of any military installation as possible.*

20 *SEC. 512. No modifications or changes in the command*
21 *structure of the United States Armed Forces shall be made*
22 *until the Senate Committee on Armed Services and the*
23 *House Committee on Armed Services of the Ninety-second*
24 *Congress shall have had sixty days to examine the docu-*
25 *ment known as the Fitzhugh report.*

91st CONGRESS
2d Session

H. R. 17123

AN ACT

To authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES
SEPTEMBER 1, 1970

Ordered to be printed with the amendments of the
Senate